

1893-039 Chancery Causes: W. B. Nickels vs. S. L. Ward &c
Lee Co.

Lunsford

CA-Debt
T-Property

Virginia.

To the honorable H. S. K. Morrison Judge of
the Circuit Court of Lee County.

Humbly Complaining, your orator W. B. Nickles
who sues for himself and such other lien
creditors of S. L. Ward as shall come in, take
part in and share the costs of this suit, would
respectfully represent and shew unto your
honor, that on the 22nd day of August 1891,
he recovered before A. J. Litton a Justice of the Peace
of said County, a Judgment against said S. L.
Ward for the sum of \$83.27, with interest thereon
from the 20th day of March 1891, and \$1.00 costs,
which Judgment was stayed before said Justice
by said Ward for 90 days, by Nelson Lunsford &
Catharine Lunsford, undertaking as securities
for the payment thereof, and by which under-
taking they became securities ^{for and} for the payment
of said Judgment. An execution was issued
on said Judgment and returned no property
found, and your Complainant has had said
Judgment docketed in the lien docket in the
office of the Clerk of the County Court of said
County. A copy of said Judgment ^{is} ~~is~~
the docketing of the same, together with the execu-
tion issued thereon and the officers return
on said execution is herewith filed as part
hereof marked exhibit "A"; that no part of said
Judgment has ever been paid, and so far as your

orator knows there may be other judgments
that bind the land of the said Ward^{Fords}
The said S. L. Ward is seized and possessed
in his own right of the following tract of
land containing acres, on which he
now resides, lying on head of Wallen's creek
in said County, and adjoining the lands of
Mr P Druff and others. Your orator avers and
charges that the rents and profits of the said land
will not in five years satisfy the liens upon
the same, and that he is therefore entitled to
have the said land sold to satisfy his own
and the other liens, if any, thereon.

In consideration whereof, he prays that the said
S. L. Ward, ^{Nelson Lumsford & Catharine Lumsford} be made defendants to this bill, and
required to answer the same on oath; that proper
process issue; that all proper orders and accounts
be directed and taken; that the lien creditors
of the said S. L. Ward, ^{& Lumsfords} be convened before a
Commissioner in Chancery of this Court; that
the lien debts of the said S. L. Ward, ^{& Lumsfords} be ascertained,
and the amounts thereof and their order of
priority of lien be established; that if it appears
that the rents and profits of the said land
will not in five years pay the liens upon
the same, that it or so much thereof as will
suffice to pay the liens thereon and costs of
suit and sale, be sold, and the proceeds there

of be applied to the payment of the said liens
and costs; that if such rents will so suffice
the lands be rented out, and the rents and
profits thereof be applied to the said liens until
they are fully satisfied; and that all such other
further and general relief may be given
as in the premises is just and right. And
your orator will ever pray &c.

J. D. Carter
James W Orr } p. q.

W. B. Nichols

vs. Bill in Chy.

S. L. Ward & al.

1892 1st May Rules Bill

Filed Spd Edt & Dct.

" 2. May Rules Dct.

Could Cause set
Lothearing by Dct.

" June Term Decree
& continued

" Nov. no court

1893. March Court

" June Decree final

O.B. 474

W. B. Nickels vs Samuel L Ward et al. - In chancery
Richmond & Orr vs Samuel L Ward. - In chancery

The claims of the plaintiffs in these causes
having been fully paid, on their motion
these causes are stricken from the docket.

W. B. Nichols
vs
Samuel Ward et als.
Richmond & Orr.

vs
Samuel Ward.

Entered Chex order
Book page 474

June 6 1893.

J. A. G. Hyatt

Ente
H. S. K. M.
...

June 6 1893

W.B. Nichols

26
J.H. Ward et al.

This cause came on again today to a hearing on report of Commissioner and it appearing the said Commissioner who was appointed to ascertain liens etc had not fully reported it is ^{advised} ^{advised} and ^{that the same be remanded} ^{decreed} that C. McSweeney who is hereby appointed a special Commissioner for the purpose after giving due notice of the times and places of his sittings proceed to take and state and account of all the liens against the bonds of the defendant, their nature and amounts and report his action to the next term of this honorable Court and this cause is continued.

M. B. Nichols
residence
L. G. Nichols

W. B. Nichols,

Plff

In Chy.

against-

S. L. Ward & als. Defts

This cause came on to be heard upon the bill of Complainant, and exhibited therein, the process duly executed on the defendants, and was argued by Counsel. On consideration thereof, and it appearing to the Court that the cause has been regularly matured at rules, and set for hearing by plaintiff and the defendants failing to appear. It is adjudged, ordered and decreed that the plaintiff recover against the defendants \$84.27, the amount of the judgment in the bill mentioned, with legal interest on \$83.27 part thereof from the 20th day of March 1891 until paid, and the costs of this suit, and it being suggested that there are probably other liens that bind said defendants real estate, it is further ordered that M. G. Ely, who is appointed a special Commissioner for the purpose, do ascertain and report to this Court the liens upon defendants real estate, and what real estate they or any of them own, and where situated, and whether or not the rents and profits of said real

estate will, in five years lay and
 discharge said land and the estate of
 this suit. Said Commissioner will
 give due notice of the time and
 place of his sittings. And about any
 matter deemed pertinent by him or
 required by the parties. And the case
 is continued.

W. B. Wickes

Deane

S. F. Ward et al

Entered May 1892

May 1892

May 1892

Entered this date

May 1892

June 1892

To the Honorable H. S. K. Harrison Judge
of the Circuit Court of Lee County.

Your Commissioner M. G. Ely, in
obedience to a decree rendered at the June
term of Circuit Court 1892 would respect-
fully report unto your honor that after
due notice, copy of which is herewith filed,
that on the 18th day of Oct. 1892, he proceeded
to ascertain in the suit of W. B. Nichols vs. S. L. Ward
Nelson Lunsford Ed Catharine Lunsford how
much real estate they own, where situated, what
debts are liens on the same and for how much
said lands would rent ^{in five years.} Your Commissioner
reports that he has ascertained that S. L. Ward is the
owner of two tracts of land situated on the
head of Wallens Creek and south side of Wallens
ridge. The first tract his home farm consists of
160 acres, on which there are two deeds of trust
in favor of J. J. C. Old Elbert Flanary. First deed of trust
for \$204.⁴⁹ recorded in deed book 25, Page 573. The
second deed of trust - \$269.²¹, recorded in deed book 23014
page 538-9 in County Court clerks office. Said S. L. Ward
is the owner of another tract of land adjoining the
first containing about 80 acres, both tracts decen-
ded from his father Sam Ward dec. And your Commissioner
says that there is docketed on the Judgments lien docket
in favor of Nicholson and Ed Cr. W. S. L. Ward a judgment
for \$600 and cost which was docketed Apr. 1891. and
said judgment lien and two deeds of trust of forementioned
are prior liens. He says that there is also docketed against
said S. L. Ward a judgment lien docket in County Court
clerks office a judgment in favor of A. H. Goble

and in favor of W. B. Nichols & Son,
 of \$945⁰⁰ - which have the same priority as
 the claim of W. B. Nichols the Plaintiff in this
 suit. Your Commissioners report that
 Nelson Lunsford & Catharine Lunsford are
 the owners in their right of a tract of land
 containing 160 acres situated in the wild cat
 valley on which there are no liens except
 the Plaintiff in this suit. From the best
 information your Commissioners could gather
 the land of S. L. Ward, Nelson Lunsford &
 Catharine Lunsford would net for something
 like \$150⁰⁰ per annum which would make in
 five years, \$750⁰⁰ and having reported all the facts
 necessary and deemed pertinent by your Commission
 the whole is most respectfully submitted.
 Com. fees. \$750.

M. G. Ely

Special Commissioner

W. B. Nichols Plff.

Commissioners Report

S. L. Ward & Cath.

Filed Oct 20th 1892.

J. C. H. Wyatt

Turkey Cove, Va., Oct. 26th, 1892.

Uncle Wesley -

I have made up my reports in these cases very hurriedly, and if they wout pass, You will have to rewrite them. I have the facts just right - There may be something wrong in the vestage. Cant be done until Cant, I make a "recant, rescind" contract - for C. L. Hamblen and H. M. Clorkston to right - and go to Hamblens some time this week -

Best

M. G. Ely -

Virginia Lee County to wit

to G. E. Arty, Constable of said county, I hereby
command you to summon S. L. Word if to be
found in your district to appear at A. J. Littens
in said county on the 22 day of August 1891.

before me or such other justice of said county
as may there be there to try this warrant to answer
the complaint of W. B. Nickles, ~~\$83.42~~ ~~to~~
~~due by note~~ and upon a claim for money
not exceeding \$100. or. exclusive of interest to wit
for the sum of \$83.42 27 cts Due by note
and there and there make return of this warrant
given under my hand the 17 day August 1891

A. J. Littens J. P.

Wm B. Nickles { on the 22nd day of August
against { 1891. in debt,

S. L. Word. (at) A. J. Littens in said County
Judgment that the Plaintiff recover of the
defendant \$83.47 with interest thereon from the 20th
day of March 1891 till Paid and \$1.00 for costs

A. J. Littens J. P.

Virginia Lee County to wit
to George E. Arty, Constable of said County
I command you in the name of the Commonwealth
of Virginia that of the goods and chattels of
Samuel L Word Nelson Lumsford and Katherine
Lumsford in your County you Cause to
be made the sum of \$83²⁷/₁₀₀ with interest
thereon from the 20th day of March 1891 till
Paid, which Wm. B. Nickles has recovered —

Wm B. Chickles } The 22 of August 1891
 Samuel L Ward } Judgment having been rendered
 in this case for \$83.27 Exclusive of interest
 and Costs and the defendant having
 requested stay of Execution upon the
 said Judgment, whereupon Nelson Sanford
 and Catharine Sanford, undertook as
 the Surety of the said Samuel L
 Ward for the Payment of the said
 Judgment, Execution is stayed
 thereon for 90 days from the date
 A. J. Litten J. P.

A. J. Litten J. P.
 95 day from 1891
 Norment, given under my hand this the
 22nd day of August 1891 for certifying said
 also the sum of \$100 which was advanced
 to him in a Norment, in debt, and

W B Chickles

S. L. Ward

Executed August
the 17

G. E. Avey, const

Returned me

Property found

July 30th 1892

G. E. Avey

const

Filed March 8th 1892

J. R. Wilson atty.

et

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

S. L. Ward,
Nelson Lunsford and
Catharine Lunsford,

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *May* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *W. B. McKelvey*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *20th* day of *April* 18*92*, in the 11th year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.

(C+O)

A. B. Pickles

vs 3 Spain
3 Chen

S. L. Ward et al

Lo 1st May 1892

Executed by Delivering
an office copy to
S. L. Ward & Son,
Linnepord St
Leathrine Lane Apr the

30 1892 L. M. Wade
Deputy for C. E.

January
S. L. C.